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 Oracle International Corp*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
and ORACLE INTERNATIONAL
CORPORATION, a California corporation,
Plaintiffs,

v.

RIMINI STREET, INC. , a Nevada corporation
and SETH RAVIN, an individual,
Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**STIPLUATION AND JOINT
STATEMENT REGARDING POST-TRIAL
SCHEDULE**

Judge: Hon. Larry R. Hicks

The undersigned counsel, on behalf of Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively, "Oracle") and Defendants Rimini Street, Inc. and Seth Ravin (collectively, "Rimini") (together, the "Parties"), hereby submit the following joint statements regarding the post-trial schedule in the above-captioned matter.

I. JOINT STATEMENT

WHEREAS, before the above-captioned case was submitted to the jury, the Parties filed Rule 50(a) motions for judgment as a matter of law (Dkt. Nos. 838, 865);

WHEREAS, on October 13, 2015, the jury returned a verdict;

WHEREAS, on October 13, 2015, the Court issued a minute order (Dkt. No. 893) setting a schedule for briefing injunctive relief as follows:

1. Oracle's motion for injunctive relief is due on or before October 21, 2015;
2. Rimini's opposition to Oracle's motion injunctive relief is due 10 days after the filing of Oracle's motion; and
3. Oracle's reply in support of its motion for injunctive relief is due five days after the filing of Rimini's opposition;

WHEREAS, the Court's October 13, 2015 minute order further orders counsel to meet and confer and stipulate to an agreed upon briefing schedule for all other post-trial briefing;

WHEREAS, the Court's October 13, 2015 minute order further orders that "final judgment is to be entered upon ruling of pending claims for Injunctive Relief and other post-trial motions";

WHEREAS, the Parties anticipate significant post-trial briefing, including Oracle's requests for an injunctive relief, prejudgment interest, and attorneys' fees, a Rule 50(b) renewed motion for judgment as a matter of law, and Rule 59 motions for a new trial, which may be filed by either or both Parties;

WHEREAS, on October 15, Oracle withdrew its pending motion for judgment as a matter of law (Dkt. No. 898);

THEREFORE, Oracle and Rimini stipulate and agree as follows regarding a post-trial schedule:

A. Pending Motions for Judgment as a Matter of Law

1. Rimini's pending Rule 50(a) motion for judgment as a matter of law (Dkt. No. 838) is deemed moot (*see* Fed. R. Civ. P. 50 advisory committee notes; *Rose v. Barrett Twp.*, 2014 WL 2039621, at *6 (M.D. Pa. May 9, 2012) ("Once the Court submits the matter to the jury, the 50(a) motion has effectively been mooted and no further briefing is necessary, unless the movant seeks to renew the Motion in accordance with 50(b)")); and
2. Rimini may file a Rule 50(b) renewed motion for judgment as a matter of law on any appropriate issues, and either or both parties may file Rule 59 motions.

B. Oracle's Motion for an Injunctive Relief

3. The Parties will brief Oracle's motion for injunctive relief consistent with the schedule ordered by the Court (Dkt. No. 893).

C. Entry of Final Judgment

4. The parties will submit a joint proposed final judgment form or, if they cannot agree, competing proposed final judgments, within 5 days of disposition of all post-trial motions.

II. PARTIES' DISAGREEMENT

The Parties were unable to reach an agreement regarding the post-trial schedule on all motions except the motion for injunctive relief. Each Party's proposed schedule is described below:

A. Rimini's Proposed Schedule

After the jury reached a verdict on October 11, 2015, the Court and the Parties discussed a post-trial briefing schedule. Rimini's counsel suggested a 45-day period for motions, 45 days for oppositions, and a short time thereafter for replies. The Court stated that it "had no problem" with this schedule, and Oracle's counsel did not object to the proposal. *See* 10/21 Tr. 3958:22-3959:17. Oracle's counsel expressed concern with the briefing schedule for Oracle's motion for *injunctive relief*, and the Court ordered a briefing schedule to accommodate Oracle's concerns with that motion. Dkt. 893.

Rimini therefore proposes the following schedule:

- ***Post-trial motions***: November 30, 2015
- ***Oppositions***: January 14, 2015
- ***Reply briefs***: February 3, 2015

This schedule is necessary because Oracle has indicated that it intends to file multiple post-trial briefs, including a motion for a new trial, motion for attorneys' fees, and motion for pre-judgment interest. And Rimini expects to similarly file complex post-trial motions.

Rimini offered to compromise and split the difference between Rimini's and Oracle's proposals (with motions due November 20, oppositions due December 22, and replies due January 15), but Oracle refused.

This important and complex briefing will touch on the most fundamental and important legal issues in the case, and Oracle has offered no reason for rushing the post-trial motions. Indeed, as the Court correctly explained, this case is "very, very complex" and has been pending for "over five and a half years." 10/21 Tr. 3946:7-18 ("I've never seen a case this complex that involved this many issues before a jury as what you've seen here").

B. Oracle's Proposed Schedule

The dilatory schedule that Rimini seeks is, in substance, nothing more than an effort to further delay Rimini's day of reckoning for its unlawful conduct. Rimini identifies no sound basis to drag out post-trial briefing over nearly four months, which would extend past the sixth anniversary of when this case was filed in January 2010. Oracle instead proposes the following schedule, which

would provide ample time for counsel and still wrap up briefing before the Christmas and New Year holiday period:

- All post-trial motions by any party (excepting Oracle's motion for injunctive relief) filed by November 11, 2015;
- Any oppositions to any post-trial motions (excepting Oracle's motion for injunctive relief) filed by December 2, 2015; and
- Any replies in support of any post-trial motions (excepting Oracle's motion for injunctive relief) filed by December 16, 2015.

Rimini, represented by experienced appellate counsel present through the trial, managed to file a Rule 50(a) motion within a few days of Oracle resting its case-in-chief, with Rimini's 30-page brief attacking nearly every issue and identifying purported grounds for a new trial. Nothing prevents Rimini's counsel from preparing and filing any renewed Rule 50 motion and any Rule 59 new trial motion a month after the jury's verdict. Likewise, given the resources available to them, Rimini's team of counsel will have no difficulty preparing over a three week period any oppositions to Oracle's expected motions for prejudgment interest, costs and attorneys' fees, and for a (conditional) new trial.

Oracle respectfully requests the Court reject Rimini's proposed schedule and adopt Oracle's.

DATED: October 19, 2015

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Blaine H. Evanson
Blaine H. Evanson

*Attorneys for Defendants
Rimini Street, Inc. and Seth Ravin*

DATED: October 19, 2015

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Kieran P. Ringgenberg
Kieran P. Ringgenberg

*Attorneys for Plaintiffs
Oracle USA, Inc., Oracle America, Inc., and Oracle
International Corp.*

ATTESTATION OF FILER

The signatories to this document are me and Kieran P. Ringgenberg, and I have obtained his concurrence to file this document on his behalf.

DATED: October 19, 2015 GIBSON, DUNN & CRUTCHER LLP

By: /s/ Blaine H. Evanson
Blaine H. Evanson

*Attorneys for Defendants
Rimini Street, Inc. and Seth Ravin*

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

By: /s/ Blaine H. Evanson
Blaine H. Evanson

*Attorney for Defendants
Rimini Street, Inc. and Seth Ravin*